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Supreme Court of the United States.

OCTOBER TERM, 1905.

No. 360.

W. H. CARPER, Sheriff of Wood County, West Virginia,
Appellant,
vs.
C. T. CALDWELL.

Appeal from the Circuit Court of the United States for the Northern District of West Virginia.

MOTION TO ADVANCE.

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The appellant moves that this appeal may be advanced and heard under rule 32. He has served notice of this motion, and of his brief of argument, on counsel for the appellee in accordance with the provisions of said rule.

The appeal is from an order of the circuit court discharging the appellee in a proceeding in habeas corpus. It is taken under section 5 of the act of March 3, 1891, chapter 517, and presents only the question of the jurisdiction of the circuit court, as a court of the United States, to issue the writ and discharge the appellee, which question is duly certified.

The appellant presents the following additional ground for advancing the case.

By the decision of the circuit court the appellee has been discharged from arrest under an order of attachment issued by a committee of the House of Delegates of West Virginia for contempt in refusing to appear before the committee and testify, and the proceedings of the committee have been brought to a standstill. By the resolution of the House appointing the committee they are required to report at the next session of the legislature. Unless the case is advanced, a decision can not be rendered in time to enable them to report.

Respectfully submitted,

WM. E. CHILTON,

LAWRENCE MAXWELL, JR.,

Counsel for Appellant.